

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MARK FULFORD,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE NO.
v.)	_____
)	
ROYAL NEWS CORP. d/b/a ROYAL MEDIA,)	JURY TRIAL DEMANDED
)	
Defendant.)	

COMPLAINT

Plaintiff Mark Fulford (“Mr. Fulford” or “Plaintiff”) hereby files this Complaint against Defendant Royal News Corp. d/b/a Royal Media (“Defendant” or the “Company”) for damages and other relief for violations of the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.* (the “ADA”).

JURISDICTION AND VENUE

1.

This Court has jurisdiction of this action pursuant to 28 U.S.C. § 1331.

2.

Venue is proper in this District and Division pursuant to 28 U.S.C. § 1391 because the Defendant resides in this this District and maintains its registered agent in Roswell, Georgia.

ADMINISTRATIVE PREREQUISITES

3.

Plaintiff has exhausted all administrative requirements necessary to bring his claims. Plaintiff filed an EEOC charge based on his claims under the ADA within 180 days of the ADA-violative conduct at issue. The EEOC issued its Notice of Right to Sue on July 25, 2023.

4.

This action is timely filed with respect to Plaintiff's ADA claims as less than 90 days have passed since Plaintiff's receipt of the Notice of Right to Sue for the same.

THE PARTIES

5.

Defendant is a marketing company that is organized as a foreign for-profit corporation doing business in Georgia.

6.

Plaintiff was a prospective employee of Defendant to whom it rescinded its offer of employment. Mr. Fulford suffers from peripheral artery disease in his legs, neuropathy in his feet, a herniated disc, and an aortic stenosis.

STATEMENT OF FACTS

7.

Towards the beginning of 2023, Defendant recruited Mr. Fulford to work as an Account Executive.

8.

After attending several interviews, Defendant offered Mr. Fulford the position, sending him a letter confirming that he had been hired which stated, “[y]ou will be part of the Aerospace Sales Group” and outlining his compensation.

9.

Roy Van Nordstrom, a manager at the Company, also confirmed that he would be hired.

10.

As part of his employment, Mr. Fulford would attend sales conventions all over the world and would be travelling extensively.

11.

In April of this year, as Mr. Fulford was preparing to begin work, he informed Mr. Van Nordstrom of his disabilities and made very clear that they would not impede his ability to perform his job, just that he would need to take

a chair with him on trips and sit down in it occasionally if he was required to be on his feet for extended periods of time.

12.

Ms. Van Nordstrom said that he would need to discuss the matter with human resources and immediately stopped the conversation.

13.

For two weeks after that conversation, the Company stopped communicating with Mr. Fulford altogether until it contacted him to inform him that it was revoking its offer of employment.

**COUNT I
VIOLATIONS OF THE AMERICANS WITH DISABILITIES**

Discrimination

14.

Plaintiff incorporates all prior paragraphs by reference as if fully set forth herein.

15.

Plaintiff was disabled for purposes of the ADA.

16.

Defendant regarded Plaintiff as disabled.

17.

Plaintiff was capable of performing the essential functions of his position in his employment with Defendant with or without an accommodation. He was thus a qualified individual under the ADA.

18.

Defendant discriminated against Plaintiff by revoking his offer of employment and refusing to hire him because of his disability.

19.

Plaintiff's request that he be allowed to take a chair with him on the business trips that he went on and that he be permitted to sit from time to time if he was required to be on his feet for extended periods of time because of his disability was a request for a reasonable accommodation.

20.

Defendant further discriminated against Mr. Fulford by denying him this reasonable accommodation.

21.

Plaintiff is entitled to all damages permitted by law, including but not limited to, compensatory damages, emotional distress damages, punitive damages, and attorneys' fees and costs.

COUNT II
VIOLATIONS OF THE AMERICANS WITH DISABILITIES ACT

Retaliation

22.

Plaintiff incorporates all prior paragraphs by reference as if fully set forth herein.

23.

By requesting a reasonable accommodation for his disability, Mr. Fulford engaged in protected activity under the ADA.

24.

Defendant retaliated against Mr. Fulford for his protected activity by terminating him.

25.

Plaintiff is entitled to all damages permitted by law, including but not limited to, compensatory damages, emotional distress damages, punitive damages, and attorneys' fees and costs.

WHEREFORE Plaintiff respectfully requests judgment in his favor on each count in this Complaint and demands:

1. A Jury Trial;
2. Judgment in Plaintiff's favor and against Defendant under all claims in

this Complaint;

3. An order Defendant to make whole Plaintiff by providing him with out-of-pocket losses as well as back pay in an amount equal to the sum of wages, salary, employment benefits and other compensation denied or lost as a result of Defendant's unlawful acts, together with interest thereon, all in an amount to be proven at trial;
4. Statutory damages and penalties under the ADA;
5. An Order granting Plaintiff her reasonable attorney's fees and all other fees and costs associated with this action;
6. Declarative and injunctive relief appropriate to remedy the ADA violations;
7. Interest; and
8. Such other and further relief as is just and proper.

[Signature on following page]

This 9th day of August 2023.

/s/ S. Graham White

James M. McCabe

Georgia Bar No. 724618

jim@mccabe-lawfirm.com

S. Graham White

Georgia Bar No. 535538

graham@mccabe-lawfirm.com

The McCabe Law Firm, LLC

3355 Lenox Road

Suite 750

Atlanta, GA 30326

Office: (404) 250-3233

Fax: (404) 400-1724

Attorneys for Plaintiff Mark
Fulford